

AMENDED IN ASSEMBLY AUGUST 23, 2004

AMENDED IN SENATE MARCH 24, 2004

SENATE BILL

No. 1611

Introduced by Senator Ducheny

February 20, 2004

~~An act to amend Section 17021.6 of the Health and Safety Code, relating to housing. An act to add Sections 4114.3 and 4122 to the Public Resources Code, relating to natural resources.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1611, as amended, Ducheny. ~~Employee housing~~ *Natural resources: fire prevention and suppression.*

Under existing law, the Department of Forestry and Fire Protection is responsible for protecting the state's forest, range, and brushland resources from fire. Existing law requires the department to organize fire crews and patrols.

This bill would require the department to staff at least 4 persons on all department fire engines in certain counties, in southern California, as defined, and in the entire state, as specified. The bill would provide that if the department determines, based on a specified report required to be prepared by the department, that the staffing requirements for fire engines described above does not result in significant savings to the department, the department would be required to not implement those staffing requirements on or after January 1, 2010.

This bill would also require the department to prepare a biennial California fire prevention plan that documents the activities of the department, including its individual units, and contains the fire prevention plans and goals of the department and other specified

information regarding fire safe inspections, fuel reduction and treatment efforts, prescribed burning, and educational, fire planning, and outreach activities.

The bill would require the department, on or before January 1, 2009, to report to the budget and appropriation committees of both houses of the Legislature on the effectiveness of specified firefighting measures, which shall include a quantification of savings resulting from those measures. The bill would require the Legislature, if the report does not demonstrate that those measures result in significant savings to the department, to consider modifications to the specified firefighter staffing requirements for fire engines in the state.

~~The existing Employee Housing Act deems employee housing providing accommodations for 12 or fewer employees an agricultural land use for designated purposes.~~

~~This bill, instead, would deem employee housing consisting of no more than 12 beds or units an agricultural land use for those designated purposes.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 17021.6 of the Health and Safety Code~~
- 2 ~~SECTION 1. Section 4114.3 is added to the Public Resources~~
- 3 ~~Code, to read:~~
- 4 ~~4114.3. (a) The department shall staff at least four persons on~~
- 5 ~~all department fire engines, as follows:~~
- 6 ~~(1) In the Counties of Riverside, San Bernardino, and San~~
- 7 ~~Diego, as follows:~~
- 8 ~~(A) On and after January 1, 2005, to January 1, 2007,~~
- 9 ~~inclusive, during fire season.~~
- 10 ~~(B) On and after January 1, 2007, year-round.~~
- 11 ~~(2) In southern California, as follows:~~
- 12 ~~(A) On and after January 1, 2006, to January 1, 2008,~~
- 13 ~~inclusive, during fire season.~~
- 14 ~~(B) On and after January 1, 2008, year-round.~~
- 15 ~~(3) On and after January 1, 2007, in the entire state during fire~~
- 16 ~~season, except as provided in paragraphs (1) and (2).~~
- 17 ~~(b) For purposes of this section, the following terms have the~~
- 18 ~~following meanings:~~

1 (1) “Fire season” means the period, declared by the director,
2 during which weather and fuel conditions present a constant fire
3 hazard to the people of the state.

4 (2) “Southern California” means the area of the state that is
5 south of Santa Barbara and the Tehachapi mountain range.

6 (c) If the department determines, based on the report required
7 to be prepared pursuant to subdivision (g) of Section 4122, that the
8 staffing requirement for fire engines prescribed in subdivision (a)
9 does not result in significant savings to the department, the
10 department shall not implement the requirements of subdivision
11 (a) on and after January 1, 2010.

12 SEC. 2. Section 4122 is added to the Public Resources Code,
13 to read:

14 4122. The department shall prepare a biennial California fire
15 prevention plan that documents the activities of the department,
16 including its individual units, and contains the fire prevention
17 plans and goals of the department and specific information
18 including, but not limited to, all of the following:

19 (a) Data pertaining to fire safe inspections around homes and
20 other structures in state responsibility and other areas, including,
21 but not limited to, all of the following:

22 (1) Number of inspections.

23 (2) Number of citations issued.

24 (3) Number of prosecutions initiated by a district attorney.

25 (4) Five-year trends for clearance inspections on a statewide
26 and unit basis.

27 (b) Data on fuel reduction and treatment efforts, including, but
28 not limited to, all of the following:

29 (1) Acreage covered.

30 (2) Whether each effort involved mechanical, manual, or
31 another specified means of treatment.

32 (3) Five-year trends for fuel reduction and treatment efforts on
33 a statewide and unit basis.

34 (c) Data on prescribed burning, including, but not limited to,
35 all of the following:

36 (1) Acres burned.

37 (2) Number of projects planned and completed, including those
38 undertaken with federal or local agencies, fire safe councils, or
39 other organizations.

1 (d) Events at which the department participated in educating
2 the public about its fire prevention activities and five-year trends
3 for these activities.

4 (e) Fire planning activities, including participation in
5 community fire prevention plans and activities carried out to
6 implement the California fire plan.

7 (f) Outreach to local governments on the use of fire resistant
8 building materials.

9 (g) (1) The department on or before January 1, 2009, shall
10 report to the budget and appropriations committees of both houses
11 of the Legislature on the effectiveness of an added firefighter on
12 each fire engine, in terms of increasing initial attack capabilities,
13 the number of fires kept to a one-day burn of 10 acres or less,
14 reduced injuries to firefighters and concomitant savings, which
15 shall include a quantification of savings resulting from those
16 firefighting measures.

17 (2) If the report required pursuant to paragraph (1) does not
18 demonstrate that the firefighting measures described in paragraph
19 (1) result in significant savings, the Legislature shall consider
20 modifications to current staffing requirements for fire engines
21 prescribed in subdivision (a) of Section 4114.3.

22 is amended to read:

23 ~~17021.6. (a) The owner of any employee housing who has~~
24 ~~qualified, or intends to qualify, for a permit to operate pursuant to~~
25 ~~this part may invoke the provisions of this section.~~

26 ~~(b) Any employee housing consisting of no more than 12 beds~~
27 ~~or units shall be deemed an agricultural land use designation for~~
28 ~~the purposes of this section. For the purpose of all local ordinances,~~
29 ~~that employee housing shall not be deemed a use that implies that~~
30 ~~the employee housing is an activity that differs in any other way~~
31 ~~from an agricultural use. No conditional use permit, zoning~~
32 ~~variance, or other zoning clearance shall be required of that~~
33 ~~employee housing that is not required of any other agricultural~~
34 ~~activity in the same zone. The permitted occupancy in employee~~
35 ~~housing in an agricultural zone shall include agricultural~~
36 ~~employees who do not work on the property where the employee~~
37 ~~housing is located.~~

38 ~~(c) Except as otherwise provided in this part, employee~~
39 ~~housing consisting of no more than 12 beds or units shall not be~~
40 ~~subject to any business taxes, local registration fees, use permit~~

1 fees, or other fees to which other agricultural activities in the same
2 zone are not likewise subject. Nothing in this subdivision shall be
3 construed to forbid the imposition of local property taxes, fees for
4 water services and garbage collection, fees for normal inspections,
5 local bond assessments, and other fees, charges, and assessments
6 to which other agricultural activities in the same zone are likewise
7 subject. Neither the State Fire Marshal nor any local public entity
8 shall charge any fee to the owner, operator, or any resident for
9 enforcing fire inspection regulation pursuant to state law or
10 regulation or local ordinance, with respect to employee housing
11 consisting of no more than 12 beds or units.

12 (d) For the purposes of any contract, deed, or covenant for the
13 transfer of real property, employee housing consisting of no more
14 than 12 beds or units shall be considered an agricultural use of
15 property, notwithstanding any disclaimers to the contrary. For
16 purposes of this section, “employee housing” includes employee
17 housing defined in subdivision (b) of Section 17008, even if the
18 housing accommodations or property are not located in a rural
19 area, as defined by Section 50101.

20 (e) The Legislature hereby declares that it is the policy of this
21 state that each county and city shall permit and encourage the
22 development and use of sufficient numbers and types of employee
23 housing facilities as are commensurate with local need. This
24 section shall apply equally to any charter city, general law city,
25 county, city and county, district, and any other local public entity.

26 (f) If any owner who invokes the provisions of this section fails
27 to maintain a permit to operate pursuant to this part throughout the
28 first 10 consecutive years following the issuance of the original
29 certificate of occupancy, both of the following shall occur:

30 (1) The enforcement agency shall notify the appropriate local
31 government entity.

32 (2) The public agency that has waived any taxes, fees,
33 assessments, or charges for employee housing pursuant to this
34 section may recover the amount of those taxes, fees, assessments,
35 or charges from the landowner, less 10 percent of that amount for
36 each year that a valid permit has been maintained.

37 (g) Subdivision (f) shall not apply to an owner of any
38 prospective, planned, or unfinished employee housing facility
39 who has applied to the appropriate state and local public entities

- 1 ~~for a permit to construct or operate pursuant to this part prior to~~
- 2 ~~January 1, 1996.~~

O

